FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No.1969/07.

Jiyaulla Khan Jaharulla Khan
..vs..
State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

Coram: C. L. PANGARKAR J.
Dated : 28th August, 2007.

1. Heard Mr.Firdos Mirza, Advocate for the applicant and Mr.Mandpe, Additional Public Prosecutor for the State.

2. This is an application under Section 439 of Code of Criminal Procedure.

3. The accused is charged for having committed offence under Section 307 of the Indian penal Code with an allegation that he assaulted one Yusuf with a stick on his head. Yusuf lodged the report. The applicant is arrested and is in jail since March, 2007.

4. There is no doubt that there is an eye witness available in the form of complainant himself. After having gone through the medical report, the injury is not very grievous. The applicant and the accused are said to be neighbours. Offence under Section 307 of I.P.Code is not punishable with death. The only thing that is court is, therefore, required to see whether the accused would make himself available for the trial and shall not tamper with the prosecution witnesses. It is stated that the accused is permanent resident of Karanja, Distt.Washim and is not likely to abscond. His presence can be ensured by directing him to remain present before the police authorities. In view of this, following order is passed.

i) Accused Jiyaulla Khan Jaharulla Khan be released on his entering into personal recognizance bond of Rs.10,000/- (Rs.ten thousand only) with one surety in the like amount.

ii) He will report to the Police Station, Karanja, Distt.Washim once in a fortnight between 9 and 11 a.m.

iii) He shall not tamper with the prosecution

witnesses.

iv) Any breach of the conditions would render the bail being cancelled.

Judge.

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